

EAST DEVON DISTRICT COUNCIL

The Anti-Social Behaviour, Crime and Policing Act 2014

Public Spaces Protection Order 2023 (Exmouth)

The Control of Anti-Social Behaviour and the Consumption of Intoxicating Substances

This Order is made by East Devon District Council ("The Council") under the Anti-Social Behaviour, Crime and Policing Act 2014 Section 59 ("the Act") and remains in force for a period of 3 years from the date of the Order.

1. The Order relates to the designated streets and public spaces described in Schedule 1 below and defined by the line edged red on the plans attached to this Order ("the restricted areas"), being public spaces in the Council's administrative area to which the Act applies:

2. For the purposes of this Order,

"Intoxicating Substances" is given the following definition (which includes Alcohol and psychoactive substances): "Substances with the capacity to stimulate or depress the human central nervous system".

Exemptions will apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes or vaporisers (tobacco products), or are food stuffs regulated by food safety legislation, or where the use of the intoxicating substances falls within the curtilage of a premises licenced for the sale and consumption of alcohol, and within the operating hours of such.

An authorised person shall be a Police Constable, Police Community Support Officer or East Devon District Council Officer, who must be able to present their authority upon request.

An authorised officer is permitted to ask a person or persons within this area who breach Prohibition (iv) causing harassment, alarm or distress shall when ordered to do so by an authorised person leave the area either immediately or by such time as may be specified and in such a manner as may be specified.

The manner specified by the authorised person may include a requirement not to re-enter a defined zone within the PSPO area until a certain time, which shall be no later than 24 hours from the time that an authorised person orders a person to leave the area and or persons to disperse from that area. A person shall be guilty of an offence if they do not disperse away and leave the area or fail to comply with the directions to not re-enter the specified area until a certain time.

The term 'street' includes any road or footway to which the public have access without payment. "Public Space" includes parks and retail car parks to which the public have access without payment.

Exemptions shall apply where a person urinating is making use of an authorised temporary public urinal/toilet that has been provided in accordance with any specification issued by East Devon District Council, and with its agreement.

For this purpose 'unauthorised' means without the express written consent of any owner of the land (or any person having control over or an interest in the land in question).

3. The Council is satisfied that the 2 conditions below have been met, in that

- (a) Activities carried on in the restricted areas as described below, have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the street or public space and that they will have such an effect.

The said activities being

- the failure to surrender intoxicating substances in their possession when asked by an authorised officer,
- urination or defecation within a street or public open space,
- aggressive requests for money within a street or public open space,
- causing intimidation harassment alarm or distress,
- the failure to disperse away from a group when asked by an authorised officer.

- (b) The effect, or likely effect, of the activities described above, is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to

make the activities unreasonable, and justifies the restrictions imposed by the Order.

BY THIS ORDER

4. The effect of this Order is to impose the following prohibitions and/or requirements at all times or during the following times:

(i) Intoxicating substances including alcohol

A person shall be guilty of an offence, if at any time in a street or public space, he does not surrender any intoxicating substance including alcohol in their possession when requested by an authorised officer if:

- a) They are found to be ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances
- b) They are in possession of such intoxicating substances with the intent of using such intoxicating substances within this area, or
- c) The authorised person has reasonable grounds to believe that such person is using or intends to use the intoxicating substance within the said area.

(ii) Urination and defecation within a street or public open space

A person shall be guilty of an offence, if at any time in a street or public space, he urinates or defecates.

(iii) Aggressive Requests for money

A person shall be guilty of an offence if, at any time in a street or public open space, he makes unsolicited or unauthorised requests for money whether expressly requested or impliedly requested from persons not known to him. It would include behaviour such as; (1) clearly intimidating, i.e. through the use of threatening language or gestures, or (2) intimidating by being passive aggressive, such as sitting in close proximity (i.e. within 5 metres) of a cash machine or pay station either singularly or in a group of two or more, i.e where people expect privacy and/or feel vulnerable, with their money, bank cards, wallets or purse on display.

(iv) Intimidation, harassment, alarm or distress.

A person shall be guilty of an offence if, at any time in a street or public space, he behaves individually or in a group in a manner which has resulted or likely to result in a member of the public being intimidated, harassed, alarmed or distressed.

An authorised officer is permitted to ask people within a group to disperse immediately or by such time as may be specified. A person shall be guilty of an offence if they do not disperse away from that group of people.

5. The Order will remain in force for a period of three years from the date of this Order, unless extended by further Orders under the Council's statutory powers.
6. A person guilty of an offence under Section 4 is liable on summary conviction to a fine not exceeding level 3 on the standard scale or a fixed penalty notice of £100.

Liability to conviction for the offence may be discharged by the payment of a fixed penalty notice issued by an authorised officer or police officer. The amount of the fixed penalty notice shall be £100 and it shall be payable to East Devon District Council.

Where a fixed penalty notice is issued no proceedings will be taken for the offence before the end of the period of 14 days following the date of the notice. The person served may not be convicted of the offence if the fixed penalty notice is paid before the end of the 14 day period.

An authorised officer means an employee of the Council, or other person who is authorised in writing by the Council, or a Police Officer for the purpose of giving directions or carrying out enforcement under this order

Schedule 1

This order applies in the following designated areas:

Exmouth

The Strand and surrounding area including: Manchester Street, Elm Grove, Rolle Street and Tower Street.

The Magnolia Centre and surrounding area including: Parade, Magnolia Centre, London Inn car park, Chapel Street, Church Street and Market Street.

The Manor Gardens.

Madeira Walk and surrounding area including: the Pavilion Grounds and Gunfield Gardens.

Exmouth Beach including Sandy Bay:

This includes the foreshore and all the beach, sands, rock and any seawall or bank adjoining the same within the area of Exmouth Town Council and extending from the River Estuary at the north end of the Royal Parade in the west to the east end of Sandy Bay in the east.

Orcombe point the area around the Geo-needle, High Land of Orcombe, Rodney steps and surrounding area , the foot path and green spaces at the top of the zigzag path leading up onto Foxholes Hill, and includes the Donkey Field on Foxholes Hill.

Foxholes car park

The Maer and surrounding area including the Beach, Queen's Drive and Foxholes car park

The Maer Road Car park:

Exmouth Town centre area, Imperial Recreation Ground area, Exmouth Train Station, Exmouth Marina round to the Beach and Esplanade; Marine Way; The Royal Avenue, Commercial Vehicle Park, Car park Train Station Car Park, Imperial Road Car Park; Imperial Recreation Ground; Imperial Road; Parade; Crudges Lane; Manchester Street; Manchester Road; Albion Street; Union Street; Union Street Car park; Chapel Street; Margaret Street; Market Street; Magnolia Centre; The Strand; Magnolia Walk; Queen Street; Elm Grove; Lower Fore Street; Fore Street; Church Street; Rolle Street; High Street; Tower Street; Queens Court; Criterion Place; Chapel Hill; Beacon Hill; The Beacon ; The Plantation and surrounding area; Bath Road; Alexandra Terrace; Esplanade; Beach Gardens; The Pavilion Gardens; Manor Gardens; Cleveland Place; Langerwehe Way; Camperdown Car Park; Camperdown Terrace; Victoria Way; Dock Road; Point Terrace; Trinity Road; Shelly Reach; Estuary Court; Clipper Wharf; Sailmakers Court; Ropewalk House; Schooners Court; Shelly Road; Cutlers wharf; Windjammer Court; Leeward Court; Windward Court; Madison Wharf; Spinnakers; Regatta Court; Exmouth Marina; Fishermans Court; Pier Head; Pier Head Car Park; Shelley Court; The Moorings; Harbour Court; Sharps Court; Mamhead View; Gertrude Terrace; Alston Terrace; Victoria Road, Morton Road; Clinton Square; St Andrews Road; Morton Crescent Mews; Morton Crescent; all connecting Alleyways and footpaths; including the accessible Estuary Shoreline; Exmouth Beach.

The Royal Avenue:

Along the Estuary cycle route past Lower Halsdon Farm to the "Half Moon" Field.

Estuary Cycle Route, Carter Avenue and Marine Drive area;

By resolution of East Devon District Council Cabinet Minute 131 dated 04/01/2023

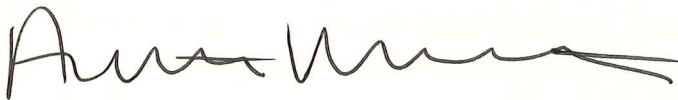
The Common Seal of the

East Devon District Council

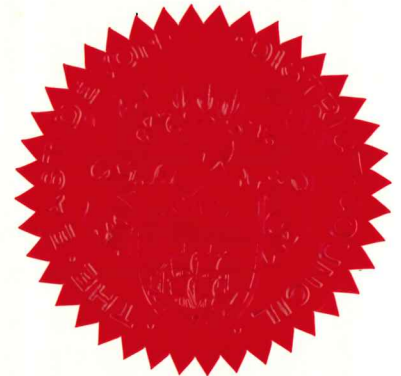
Hereunto affixed this 22nd day

of March 2023 in the presence of

AL Williams



Interim Director– Governance and Licensing



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